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Attorney for Defendant
DELIVERY ASSOCIATES, INC.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION

In re)	Chapter 11 Case No. 11-10231
RMS PROPERTIES, LLC,)	
Debtor.)	
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RMS PROPERTIES, LLC,)	Adversary Proceeding No. 12-1134
Plaintiff,)	EX PARTE APPLICATION TO
vs.)	CONTINUE TRIAL DATE DUE TO
DELIVERY ASSOCIATES, INC.,)	MEDICAL NECESSITY
Defendant.)	Trial: June 25, 2013
<hr/>		Time: 9:00 a.m.
)	Place: Courtroom No. 1
)	99 South E Street
)	Santa Rosa, CA 95403

Deffendant Delivery Associates, Inc. hereby submits the following ex parte application to continue trial date.

This matter is set for trial on Tuesday, June 25, 2013. Unfortunately, counsel for defendant Delivery Associates, Inc. is medically unable to proceed with trial on that date. Declarations of defense counsel and his doctor will be filed herewith in support. No previous request to continue the trial date has been requested.

This application is submitted in the interests of justice so defendant Delivery Associates, Inc. will have a trial based on the merits of this action and not be prejudiced by defense counsel's medical condition.

1 Plaintiff's counsel was notified of this application as soon as possible, initially by voice mail
2 on June 21, 2013, at approximately 2:00 p.m, and again when plaintiff's counsel called back this
3 morning at approximately 10:12 a.m.

4 Respectfully submitted,

5 Dated: June 24, 2013

6 /s/ David P. Gardner
David P. Gardner